

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

SHAWN L. ROBINSON,	:	
Plaintiff,	:	
v.	:	C.A. No. 09-277S
	:	
ASHBEL T. WALL, et al.,	:	
Defendants.	:	

REPORT AND RECOMMENDATION

Patricia A. Sullivan, United States Magistrate Judge

During a telephonic status conference with counsel for the State Defendants and Plaintiff Shawn L. Robinson on July 29, 2015, Plaintiff advised the Court that he has no objection to the dismissal of all claims against all remaining defendants (including without limitation defendants Acindiba, Devine, McCutcheon, Oden, Dove, Glendinning and Benavides, none of whom have been served with the complaint), as well as any remaining claims in this case. To allow Plaintiff time to consider this decision, the Court ordered him to show cause why this Court should not exercise its inherent power to dismiss with prejudice all such remaining defendants and claims for failure to prosecute. Plaintiff's response to this show cause order was due on October 19, 2015.¹ No response was received by the Court.

In light of the foregoing, I now recommend that all claims and all defendants that remain in this case be dismissed with prejudice. Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days after its service on the objecting party. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure

¹ Based on the discussion at the July 29, 2015, status conference, Plaintiff was directed to file his response by August 26, 2015. Because the first show cause order was mistakenly rejected by the institution at which Plaintiff was then incarcerated and was returned to the Court as undeliverable, an amended order with the new September 18 deadline was issued on August 18, 2015. The amended order was mailed to Plaintiff and was not returned to the Court. Thereafter, on September 17, Plaintiff filed a motion for a thirty-day extension of time to respond to the show cause order, which was granted by text order on September 22, 2015, setting the new deadline of October 19.

to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
October 28, 2015